

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

STERLING USA, INCORPORATED

Employer ¹

and

LOCAL 371, UNITED FOOD AND COMMERCIAL
WORKERS UNION, AFL-CIO

Petitioner

Case No. 34-RC-1743

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding,² the undersigned finds:

1. The hearing officer's rulings are free from prejudicial error and are hereby affirmed.

2. The Employer, a wholly owned subsidiary of Shrade Automation Limited (hereinafter referred to as Shrade), is a Connecticut corporation engaged in the packaging and non-retail distribution of razor blades at a facility in Bristol, Connecticut. The parties have stipulated that during the past 12 months the Employer has purchased and received at its Bristol facility goods and materials valued in excess of \$50,000 which originated from points directly outside the State of Connecticut. The parties have further stipulated that during the past 12 months the Employer has shipped goods and

¹ The name of the Employer appears as amended at the hearing.

² At the hearing, administrative notice was taken of the proceedings in Case No.

materials valued in excess of \$50,000 from its Bristol facility to facilities located directly outside of the State of Connecticut. Notwithstanding the foregoing stipulations the Employer maintains that it is not subject to the Board's jurisdiction because it is "too small a component of a relatively small industry with no history of labor strife significant enough to affect commerce" and because its operations "affect on commerce is de minimus."

At the outset, it should be noted that at the October 15, 1997 hearing in Case No. 34-RC-1508, on the basis of facts virtually identical to those herein, the Employer had stipulated that it was "engaged in commerce within the meaning of the National Labor Relations Act, as amended and ... subject to the jurisdiction of the National Labor Relations Board." With regard to the nature of the Employer's operations, the record in Case No. 34-RC-1508 reveals that Shrade, the Employer's parent entity, also owns a subsidiary enterprise in India, and that the Employer itself is affiliated with four other companies apparently owned by Shrade: Sterling Four Limited in the United Kingdom, Sterling Four Mexicana in Mexico, Sterling South Africa, and Sterling Uruguay. With regard to the effect of the Employer's operations on commerce, it is clear from the foregoing stipulations that they satisfy the Board's well established standards for the assertion of jurisdiction over non retail enterprises engaged in interstate commerce. *Siemons Mailing Service*, 122 NLRB 81 (1959). To the extent that the Employer is arguing that the Board should raise these standards, contrary to the Employer's assertions, Section 14(c)(1) of the Act specifically prohibits such action.

Accordingly, I find that the Employer is engaged in commerce within the meaning of the Act, and that it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:³

All full-time and regular part-time production and maintenance employees employed by the Employer at its Bristol, Connecticut, facility; but excluding all office clerical employees, and guards, professional employees and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notices of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those employees in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. These eligible employees shall vote whether or not they desire to be represented for collective bargaining purposes by Local 371, United Food and Commercial Workers Union, AFL-CIO.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7)

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The unit is in accord with the stipulation of the parties.

days of the date of this Decision and Direction of Election, the Employer shall file with the undersigned, an eligibility list containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional office, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before July 26, 1999. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by August 2, 1999.

Dated at Hartford, Connecticut this 19th day of July, 1999.

/s/ Jonathan B. Kreisberg
Jonathan B. Kreisberg, Acting Regional Director
Region 34
National Labor Relations Board

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